

**SECOND AMENDED APPLICATION
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office IAN 19 2006

Returned to applicant for correction FEB 02 2006

Corrected application filed MAR 31 2006

Map filed MAR 31 2006

The applicant **Kent and Jane Whipple Trust** hereby make(s) application for permission to change the **Point of Diversion Place of use of a portion** of water heretofore appropriated under **Permit 55919**

1. The source of water is **underground**
2. The amount of water to be changed **1.17 cfs 271 AFA**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T.6S., R.61E., M.D.M. at a point from which the east quarter corner of said Section 18 bears N 86°07'34"E 1476.36'.**
6. The existing permitted point of diversion is located within **the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, T.6S. R.61E. M.D.M. from which the southeast corner of said Section 18 bears S62° 48'00"E 4868.95'.**
7. Proposed place of use **portion of NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T.6S., R.61E., M.D.M.**
8. Existing place of use **in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 18, T.6S., R.61E., M.D.M.**
9. Use will be from **March 1st to Nov. 30th** of each year.
10. Use was permitted from **March 1st to November 30th** of each year.
11. Description of proposed works **a well, pump & motor, pipeline and lateral sprinkler lines**
12. Estimated cost of works **\$60,000**
13. Estimated time required to construct works **3 yrs.**
14. Estimated time required to complete the application of water to beneficial use **4 years**
15. Remarks:

By **Lenard D. Smith**
s/ **Lenard D. Smith**
PO Box 443
Caliente, NV 89007

Compared sg/ag ll/ gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 55919 is issued subject to the terms and conditions imposed in said Permit 55919 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

This permit is limited to the irrigation of 54.3 acres within the described place of use.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(Continued on Page 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.17 cubic feet per second, but not to exceed 271.0 acre-feet annually and not to exceed a yearly duty of 5.0 acre-feet per acre of land irrigated from any and/all sources

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

November 1, 2007

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

November 1, 2010

Map in support of proof of beneficial use shall be filed on or before:

November 1, 2010

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 1st day of November, A.D. 2006

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____